



JC10 Rec'd PCT/PTO 12 DEC 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING NATIONAL PHASE OF  
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: Hon. Commissioner of Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty Dkt: P 283207 /-  
M# /Client Ref.

From: Pillsbury Winthrop LLP, IP Group:

Date: August 22, 2001

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

1. International Application <u>PCT/US00/04338</u> ↑ country code	2. International Filing Date <u>23</u> <u>FEB</u> <u>2000</u> Day MONTH Year	3. Earliest Priority Date Claimed <u>23</u> <u>FEB</u> <u>1999</u> Day MONTH Year (use item 2 if no earlier priority)
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4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) ☐ 20 months from above item 3 date (b) ☒ 30 months from above item 3 date,

(c) Therefore, the due date (unextendable) is August 23, 2001

5. Title of Invention System and Method for Managing and Presenting Information Derived from Gene Expression Profiling

6. Inventor(s) ROGERS, John C.

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).

8. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

- a. ☒ Request;  
b. ☒ Abstract;  
c. 22 pgs. Spec. and Claims;  
d. 10 sheet(s) Drawing which are ☒ informal ☐ formal of size ☒ A4 ☐ 11"

9. ☒ A copy of the International Application has been transmitted by the International Bureau.

10. A translation of the International Application into English (35 U.S.C. 371(c)(2))

- a. ☐ is transmitted herewith including: (1) ☐ Request; (2) ☐ Abstract;  
(3) \_\_\_\_\_ pgs. Spec. and Claims;  
(4) \_\_\_\_\_ sheet(s) Drawing which are:  
☐ informal ☐ formal of size ☐ A4 ☐ 11"  
b. ☐ is not required, as the application was filed in English.  
c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.  
d. ☐ Translation verification attached (not required now).

11. ☒ PLEASE AMEND the specification before its first line by inserting as a separate paragraph:

- a. ☒ --This application is the national phase of international application PCT/US00/04338 filed February 23, 2000 which designated the U.S. and that international application ☒ was ☐ was not published under PCT Article 21(2) in English.--  
b. ☒ --This application also claims the benefit of U.S. Provisional Application No. 60/ 121,432, filed February 23, 1999 .--

RE: USA National Filing /US00/04338

12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).
15. **A declaration of the inventor** (35 U.S.C. 371(c)(4))  
 a. ☐ is submitted herewith ☐ Original ☐ Facsimile/Copy  
 b. ☒ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**  
 a. Was prepared by ☐ European Patent Office ☐ Japanese Patent Office ☒ Other  
 b. ☒ has been transmitted by the international Bureau to PTO.  
 c. ☒ copy herewith (2 pg(s).) ☐ plus Annex of family members (\_\_\_ pg(s).).
17. **International Preliminary Examination Report (IPER):**  
 a. ☒ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
 b. ☐ copy herewith in English.  
 c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
 c.2 ☐ Specification/claim pages # \_\_\_ claims # \_\_\_  
 Dwg Sheets # \_\_\_  
 d. ☐ Translation of Annex(es) to IPER (required by 30<sup>th</sup> month due date, or else annexed amendments will be considered canceled).
18. **Information Disclosure Statement** including:  
 a. ☒ Attached Form PTO-1449 listing documents  
 b. ☐ Attached copies of documents listed on Form PTO-1449  
 c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☐ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings** (complete only if 8d or 10a(4) not completed): \_\_\_ sheet(s) per set: ☐ 1 set informal;  
☐ Formal of size ☐ A4 ☐ 11"
22. Small Entity Status ☐ is **Not** claimed ☐ is claimed (pre-filing confirmation required)  
 22(a) \_\_\_ (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) US of:
- |     | <u>Application No.</u> | <u>Filing Date</u> |     | <u>Application No.</u> | <u>Filing Date</u> |
|-----|------------------------|--------------------|-----|------------------------|--------------------|
| (1) | <u>60/121,432</u>      | <u>23 FEB 1999</u> | (2) | <u>PCT/US/00/04338</u> | <u>23 FEB 2000</u> |
| (3) | _____                  | _____              | (4) | _____                  | _____              |
| (5) | _____                  | _____              | (6) | _____                  | _____              |
- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
- b. ☒ Copy of Form PCT/IB/304 attached.
24. Attached:

RE: USA National Filing of PCT/US00/04338

## 25. Preliminary Amendment:

25.5 Per Item 17.c2, cancel original pages # \_\_\_\_\_, claims # \_\_\_\_\_, Drawing Sheets # \_\_\_\_\_

## 26. Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:

Based on amended claim(s) per above item(s) ☐ 12, ☐ 14, ☐ 17, ☐ 25, ☐ 25.5 (hiliate)

Total Effective Claims	9	minus 20 =	0	x \$18/\$9	=	\$0	966/967
Independent Claims	3	minus 3 =	0	x \$80/\$40	=	\$0	964/965
If any proper (ignore improper) Multiple Dependent claim is present,				add \$270/\$135		+0	968/969

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→ BASIC FEE REQUIRED, NOW →→→→

A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN" or "ZA"

See item 16 re:

1. Search Report was <u>not</u> prepared by EPO or JPO -----	add \$1000/\$500	960/961
2. Search Report was prepared by EPO or JPO -----	add \$860/\$430 +	970/971

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN" or "ZA"

→ ☐ B. If USPTO did not issue both International Search Report (ISR) and (if box 4(b) above is X'd) the International Examination Report (IPER), ----- add \$1000/\$500 +0 960/961

(only)  
(one) → ☒ C. If USPTO issued ISR but not IPER (or box 4(a) above is X'd), ----- add \$710/\$355 +710 958/959

(these)  
(4) → ☐ D. If USPTO issued IPER but IPER Sec. V boxes not all 3 YES, ----- add \$690/\$345 +0 956/957

→ ☐ E. If international preliminary examination fee was paid to USPTO and Rules 492(a)(4) and 496(b) satisfied (IPER Sec. V all 3 boxes YES for all claims), ----- add \$100/\$50 +0 962/963

27. SUBTOTAL = \$710

28. If Assignment box 19 above is X'd, add Assignment Recording fee of ----\$40 +0 (581)

29. Attached is a check to cover the ----- TOTAL FEES \$710

Our Deposit Account No. 03-3975

Our Order No. 70441

283207

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

1600 Tysons Boulevard

By Atty: Anthony L. MieleReg. No. 34393

McLean, VA 22102

Sig: \_\_\_\_\_

Fax: (703) 905-2500

Tel: (703) 905-2000

Tel: (703) 905-2146

Atty/Sec: ALM/sdm

NOTE: File in duplicate with 2 postcard receipts (PAT-103) & attachments.

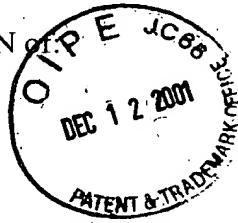
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

**ROGERS**

Application No.: 09/914,200

Filed: August 23, 2001

**FOR: SYSTEM AND METHOD FOR MANAGING AND PRESENTING  
INFORMATION DERIVED FROM GENE EXPRESSION PROFILING**

Group Art Unit: (unknown)

Examiner: (unknown)

TECH CENTER 1600/2900

JUN 10 2002

RECEIVED

December 12, 2001

#9

**REQUEST FOR WITHDRAWAL OF ABANDONMENT**Honorable Commissioner of Patents  
Washington, D.C. 20231

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APR 05 2002

Sir:

Technology Center 2100

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APR 01 2002  
TECH CENTER 1600/2900

A Notice of Abandonment dated November 15, 2001 (a copy of which is attached) indicates that this Application is abandoned for failure to provide the full U.S. Basic national Fee by 20 months (37 CFR 1.494 (b)(2)). Applicants respectfully submit that the Notice of Abandonment was issued in error.

Applicant respectfully submit that the U.S. Basic national Fee was due by 30 months (37 CFR 1.495) not by 20 months. (37 CFR 1.494 is not applicable here).

Attached is a copy of Form/IPEA/402 Receipt of Demand showing the actual date of receipt as September 13, 2000, which would extend the entry into the National Phase to entry as an Elected Office, which extends the due date until 30 months (i.e., August 23, 2001). A copy of our timely request for filing a National Phase of a PCT application (entry into the U.S. as an Elected Office pursuant to 37 CFR 1.495) is also attached along with a PTO date-stamped post card receipt.

In view of this, Applicants respectfully request withdrawal of the holding of abandonment and revival of the application.

Should any required fee be missing please charge the deficiency to our Deposit Account

No. 03-3975 under Order No. 70441/283207.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

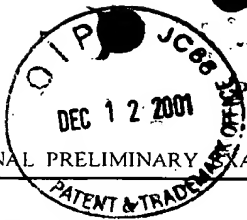
Anthony L. Miele

Reg. No. 34,393

Tel: (703) 905-2046

Fax: (703) 905-2500

ALM:sdm  
1600 Tysons Boulevard  
McLean, VA 22102  
(703) 905-2000



PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
PAUL N. KOKULIS  
PILLSBURY MADISON & SUTRO, LLP  
1100 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005

PCT

NOTIFICATION OF RECEIPT  
OF DEMAND BY COMPETENT INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence  
and Administrative Instructions, Section 601(a))

Date of mailing  
(day/month/year)

8 JUL 2000

TECH CENTER 1600/2900

JUN 10 2002

Applicant's or agent's file reference  
5956 PCT

IMPORTANT NOTIFICATION

International application No.  
PCT/US00/04338

International filing date (day/month/year)  
25 FEB 00

Priority date (day/month/year)  
23 FEB 99

Applicant  
WARNER-LAMBERTY COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

13 SEP 2000

2. That date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).  
☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).  
☐ the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **ATTENTION:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the election(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide*, Volume II.

- ☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

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APR 05 2002

Technology Center 2100

Name and mailing address of the IPEA/  
Assistant Commissioner for Patent  
Box PCT  
Washington, D.C. 20231 Attn:RO/US  
Facsimile No. 703-305-3230

Authorized officer

MELVIN S. BROOKS SR  
INTERNATIONAL DIVISION  
703-305-5163

Telephone No.



PAT-103 801 PTO RECEIPT FOR INDICATED ITEMS

Appln No: 0 /  
Inventor(s) ROGERS, John

Title: Title System and Method for Managing and

Any ALM  
Date 08/23/01  
C# 70441  
M# 283207

ENCLOSED:

☐ Amendment

☐ Appendix

☐ Cover sheet

# 1 No. of Pages Abstract

# 22 No. of Pages Spec and Claims

# 9 No. of numbered Claims only

☐ Declaration (\_\_\_ #pgs)

☐ Assignment ☐ Cover Sheet

# \_\_\_ No. of Priority Documents

# 10 No. Sheets Drawings (Fig(s) 1 to 10) ☒ 1 set Formal

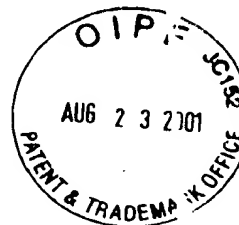
☐ IDS Letter ☐ cited Appl(s) ☒ Foreign sch rept./OA

☒ PTO-1449 ☐ cited docs.

☐ Nonpublication Request

\$ 710 Fee (Check)

Other: REQUEST, Form PCT/IB/104



CURRENT DUE DATE: 8/23/01

PAT-103 801 PTO RECEIPT FOR INDICATED ITEMS

Appln. No: 0 /

Inventor(s) ROGERS, John

Title: Title System and Method for Managing and ..

Any ALM  
Date 08/23/01  
C# 70441  
M# 283207

ENCLOSED:

☐ Amendment

☐ Appendix

☐ Cover sheet

# 1 No. of Pages Abstract

# 22 No. of Pages Spec and Claims

# 9 No. of numbered Claims only

☐ Declaration (\_\_\_ #pgs)

☐ Assignment ☐ Cover Sheet

# \_\_\_ No. of Priority Documents

# 10 No. Sheets Drawings (Fig(s) 1 to 10) ☒ 1 set Formal

☐ IDS Letter ☐ cited Appl(s) ☒ Foreign sch rept./OA

☒ PTO-1449 ☐ cited docs.

☐ Nonpublication Request

\$ 710 Fee (Check)

Other: REQUEST, Form PCT/IB/104

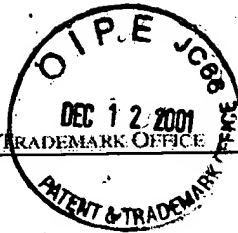
533 Rec'd PCT/PTO 23 AUG 2001

CURRENT DUE DATE: 8/23/01

09/914200



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents, New PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/914,200	FIRST NAMED APPLICANT John Rogers	ATTY. DOCKET NO. P 283207
INTERNATIONAL APPLICATION NO. PCT/US00/04338		
I.A. FILING DATE 02/22/2000	PRIORITY DATE 02/23/1999	

Anthony L. Miele  
Pillsbury Winthrop  
1600 Tysons Boulevard  
McLean, VA 22102

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CONFIRMATION NO. 9600

371  
ABANDONMENT/TERMINATION  
LETTER



JUN 10 2002

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Date Mailed: 11/15/2001

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 20 months (37 CFR 1.494(b)(2)).

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PILLSBURY WINTHROP LLP/DC

NOV 21 2001

CL# 70441 MT# 283207  
ATTY(S) ALM VPH  
DUE: 1-15-02  
DKT BY (1) DTH JEH

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Technology Center 2100

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON

Telephone: (703) 305-3661

PART 1 - ATTORNEY/APPLICANT COPY